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ILLINOIS COMMERCE COMMISSION

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JAN 23 1999

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION **LAND ACQUISITION**

DEPARTMENT OF TRANSPORTATION,
of the **STATE OF ILLINOIS**, for and in behalf
of the People of the State of Illinois,

Petitioner,

vs.

COMMONWEALTH EDISON COMPANY,

Respondent.

Petition for approval of the taking or damaging of
certain properties owned by a public utility in Will
County, Illinois by exercising the right of eminent
domain.

CONDEMNATION

No. 00-0014

Parcel No. 1 BT0025 PE

PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

CHIEF CLERK'S OFFICE
JAN 4 11 22 AM '99
ILLINOIS
COMMERCE COMMISSION

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State of Illinois, and CHARLES T. JACQUES, Special Assistant Attorney General, pursuant to Section 102 of the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce Commission for the taking or damaging of certain properties owned by COMMONWEALTH EDISON COMPANY, an Illinois corporation ("Edison"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION (the "Commission").

1. Pursuant to the "Illinois Highway Code", approved June 3, 1959, as amended (Ill. Compiled Stat. 1996, 605 ILCS 5/2-101 through 5/2-220 and 5/41-101 through 5/4-512) and the "Eminent Domain Act", as amended, (Ill. Compiled Stat. 1996, 735 ILCS 5/7-101, et seq.), Plaintiff is engaged in the construction and improvement of ILLINOIS ROUTE 59 from 143RD STREET to ILLINOIS ROUTE 126.

2. Under the Illinois Highway Code, ILLINOIS ROUTE 59 is part of and included in the State Highway System.

3. Section 4-501 of the said Illinois Highway Code (Ill. Compiled Stat. 1996, 605 ILCS 5/4-501) provides:

"The Department, or its name, or any county may acquire the fee simple, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State Highways, or necessary for locating, relocating, extending, widening or straightening any State Highway, or necessary for locating, relocating, extending, widening, or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designed by the Department as a street to form a part of or connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4. The improvement is a public work, for a public use and constitutes a public purpose, namely, improvement of ILLINOIS ROUTE 59 from 143RD STREET to ILLINOIS ROUTE 126, a State highway under the control and jurisdiction of the Plaintiff over certain lands situated in Will County, Illinois.

5. Edison is a public utility as defined in the Public Utilities Act (220 ILCS 5/3-105, et seq.) and is subject to the jurisdiction of the Commission under Section 3-105 of the Public Utilities Act. (220 ILCS 5/3-105, et seq.).

6. Edison is the title holder to certain real property, said property being located in Will County, the legal description of which is attached hereto and marked as Exhibit "A". This real property is located adjacent to ILLINOIS ROUTE 7 from 143RD STREET to ILLINOIS ROUTE 126, and the petitioner has deemed it necessary to improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit "B", attached hereto.

7. Petitioner has been authorized to acquire a permanent easement to the property legally described in Exhibit "A": and it is necessary for the Petitioner to acquire said property for the above-described highway improvement of ILLINOIS ROUTE 59 from 143RD STREET to ILLINOIS ROUTE 126 for the use of the People of the State of Illinois.

8. The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and Edison although Petitioner has attempted to effect such an agreement. Petitioner,

therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.


9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of Edison's property described in Exhibit "A".

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, requests that the Commission approve the taking or damaging of the above described real property of Edison by the exercise of the right of eminent domain,

Respectfully submitted,

DEPARTMENT OF TRANSPORTATION OF
THE STATE OF ILLINOIS, for and on
Behalf of the People of the State of
Illinois

BY: JAMES E. RYAN
Attorney General of Illinois

BY: 

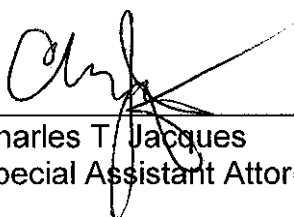
Charles T. Jacques
Special Assistant Attorney General

Reviewed and Approved
for filing:

Keith E. Letsche, Chief,
Land Acquisition Bureau,
Assistant Attorney General

STATE OF ILLINOIS)
)
COUNTY OF WILL) ss.

I, Charles T. Jacques, being first sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and forgoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said comments are true and correct.



Charles T. Jacques
Special Assistant Attorney General

SUBSCRIBED and SWORN
to before me this 4th
day of January



Notary Public



James E. Ryan, Attorney General of Illinois
Charles T. Jacques, Special Asst. Atty. General
Querrey & Harrow, Ltd.
116 N. Chicago Street, Suite 401
Joliet, IL 60432
(815) 726-1600
ARDC # 06197349

Owner: Commonwealth Edison
Company

Route : FAP 338 (IL-59)
Section :
County : Will
Job No. : R-91-018-97
Parcel No. : 1BT0025PE
Sta. 103 + 544.614 To Sta. 103 + 590.014
Index No. : 06-03-09-200-026

That portion of a parcel of land in the Northeast Quarter of Section 9, Township 36 North, Range 9 East of the Third Principal Meridian, in Will County, Illinois, described as follows:

Commencing at a point in the east line of the Northeast Quarter of said Section 9 distant South 01 degrees 53 minutes 13 seconds East (assumed bearing) 64.761 meters [212.47 feet] from the Northeast corner thereof; thence South 83 degrees 33 minutes 42 seconds West along the south line of said parcel conveyed to Public Service Company of Northern Illinois by deed recorded September 23, 1926 as Document Number 399003 a distance of 10.576 meters [34.70 feet] to the point of beginning; thence continuing South 83 degrees 33 minutes 42 seconds West along said south line 9.186 meters [30.14 feet]; thence North 00 degrees 59 minutes 08 seconds West 38.037 meters [124.79 feet]; thence North 52 degrees 07 minutes 58 seconds West 11.737 meters [38.51 feet] to the southerly right of way line of 143rd Street per Dedication recorded May 20, 1963 as Document Number 984116; thence North 87 degrees 24 minutes 13 seconds East along said southerly right of way line 18.292 meters [60.01 feet] to an intersection with the westerly right of way line of Division Street per Dedication recorded March 7, 1933 in Book 776, page 350; thence South 00 degrees 59 minutes 08 seconds East along said westerly right of way line 45.042 meters [147.77 feet] to the point of beginning.

Said parcel containing 0.0450 Hectares [0.111 Acres], more or less.

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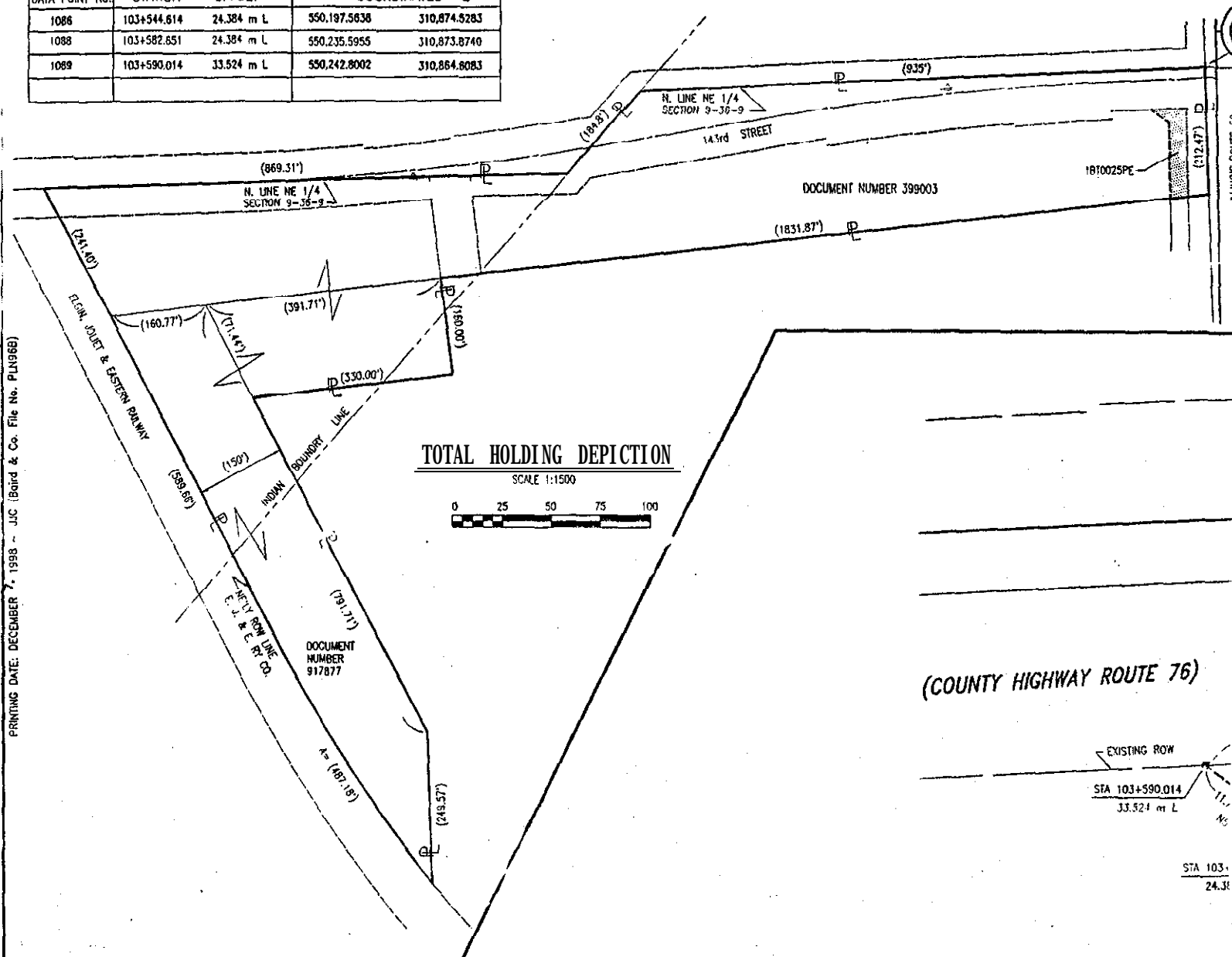
OCT 1 1997



COORDINATE VALUE

COORDINATE TABLE			
DATA POINT NO.	STATION	OFFSET	-N- COORDINATES -E-
1086	103+544.614	24.384 m L	550,197.5638 310,874.5283
1088	103+582.651	24.384 m L	550,235.5955 310,873.8740
1089	103+590.014	33.524 m L	550,242.8002 310,864.8083

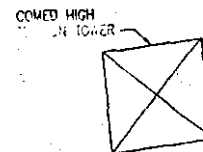
PARCEL NUMBER	OWNER
18T0025PE	COMMONWEALTH EDISON COMPANY



(COUNTY HIGHWAY ROUTE 76)

EXISTING ROW
STA 103+590.014
33.524 m L

STA 103+
24.38



STA 103+
24.3
S. LINE DOCUMENT NUMBER 399003



EN	REMAINDER	DED.	EASEMENT	PURPOSE	INDEX NUMBER	ACQUIRED BY
[AC]	HA - [AC]	HA - [AC]	HA - [AC]	ROADWAY	66-83-03-200-024 06-03-09-200-004	
		0.0450 [0.111]				

INFORMATION

CURVE DATA		
CENTERLINE PROPOSED CONSTRUCTION		
CURVE NO. 309		
Δ	00°49'05"	
D	36,211.766m	
L	517.087m	
T	258.516m	
E	0.923m	
PC STA.	103+017.068	(070)
549,138.550 N	310,897.791 E	
PI STA.	103+275.584	(005)
549,928.984 N	310,903.537 E	
PT STA.	103+534.092	(070)
549,111.813 N	310,903.144 E	

- SECTION LINE
- QUARTER SECTION LINE
- QUARTER, QUARTER SECTION LINE
- PLATTED LOT LINE
- PROPERTY (DEED) LINE
- APPL
- APPARENT PROPERTY LINE
- CENTERLINE
- EXISTING RIGHT OF WAY LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED EASEMENT
- EXISTING ACCESS CONTROL LINE
- PROPOSED ACCESS CONTROL LINE
- 123.456m [1.23'] MEASURED DIMENSION METRIC WITH IMPERIAL
- 123.45' (COMP) [0.00'] COMPUTED DIMENSION METRIC WITH IMPERIAL
- RECORD DATA



- EXISTING BUILDING
- IRON PIPE OR ROD FOUND
- CUT CROSS FOUND OR SET
- T1 THESE STAKES REFERENCE FOUND OR SET MONUMENTATION.
- T2 SET 5/8 INCH REBAR FLUSH WITH GROUND TO TIE FOUND IRON STAKE.
- T3 BY COLORED PLASTIC CAP AND BEARING SURVEYORS PROFESSIONAL NUMBER.
- BT1 THESE STAKES, IN CULTIVATED AREAS, REFERENCE FOUND OR SET MONUMENTATION.
- BT2 BURIED 5/8 INCH REBAR 20 INCHES BELOW GROUND TO TIE FOUND IRON STAKE.
- BT3 IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS PROFESSIONAL NUMBER.
- STAKING OF PROPOSED RIGHT OF WAY.
- SET DIVISION OF HIGHWAYS SURVEY MARKER TO MONUMENT THE POSITION SHOWN.
- IDENTIFIED BY INSCRIPTION DATA AND SURVEYORS PROFESSIONAL NUMBER.
- M STAKING OR PROPOSED RIGHT OF WAY IN CULTIVATED AREAS.
- BURIED 5/8 INCH REBAR 20 INCHES BELOW GROUND TO MARK FUTURE SURVEY MARKER POSITION. IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS PROFESSIONAL NUMBER.
- PERMANENT SURVEY MARKER. IDOT STD. 2135 (TO BE SET BY OTHERS)
- RIGHT OF WAY STAKING PROPOSED TO BE SET.

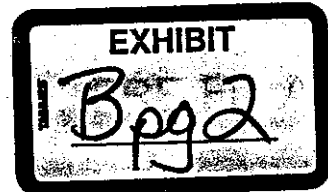
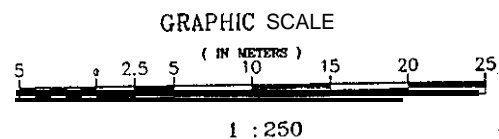
STATE OF ILLINOIS }
COUNTY OF WILL } SS

THIS IS TO CERTIFY THAT I, BARBARA J. BAIRD, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE SURVEYED THE PLAT OF HIGHWAYS SHOWN HEREON BETWEEN SECTION 9, TOWNSHIP 36 NORTH, RANGE 9 EAST, AND SECTION 10, TOWNSHIP 36 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY; THAT ALL MONUMENTS FOUND AND ESTABLISHED ARE OF PERMANENT QUALITY AND OCCUPY THE POSITIONS SHOWN THEREON AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. MADE FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS.

DATED AT LOCKPORT, ILLINOIS THIS _____ DAY OF _____ 1998 A.D.

Baird & Company
- LAND SURVEYORS -
AT THE HISTORIC RAILROAD DEPOT
133 WEST THIRTEENTH STREET
LOCKPORT, ILLINOIS 60441

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2222



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PLATS & LEGALS

PLAT OF HIGHWAYS
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
FAP ROUTE 338 (ILLINOIS 59)

SECTION	WILL	COUNTY
PROJECT	JOB NO.	R-91-018-97
STATION	103+525.000 TO STATION 103+600.000	
SCALE:	1:250	SHEET 20 OF

BUREAU OF LAND ACQUISITION
201 WEST CENTER COURT
SPRINGFIELD, ILLINOIS 62766-1096

